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Substance Abuse Testing Report 1998

Maine Department of Labor

Maine Bureau of Labor Standards

Ruth A. Ladd

Maine Department of Labor

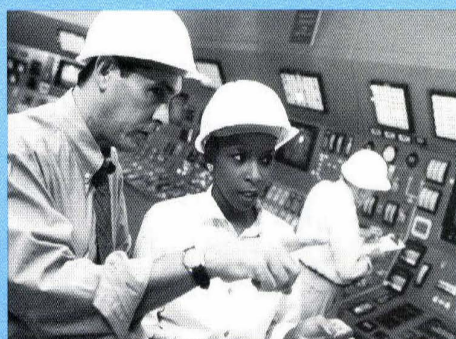
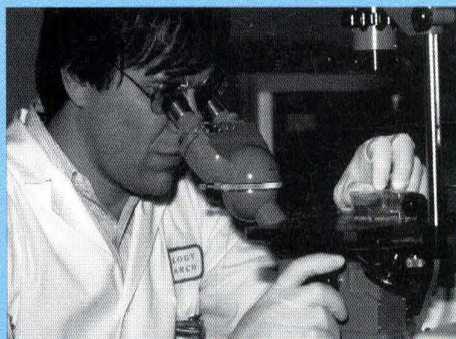
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MAINE
DEPARTMENT OF
LABOR
Labor Standards



Substance
Abuse
Testing
Report
1998



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GOVERNOR

DEPARTMENT OF LABOR
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Substance Abuse Testing Report 1998

By Ruth A. Ladd, Statistician
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March 1999

Augusta, Maine

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Introduction

Background

The Maine Department of Labor is submitting this report to the "joint standing committee having jurisdiction over labor matters" as set out in the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. Section 681 et seq. This report is relevant only to employer testing activities under Maine law. It is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs.

The Department of Labor, Bureau of Labor Standards as well as the Department of Human Services, Health and Environmental Testing Laboratory and the Department of Mental Health, Mental Retardation and Substance Abuse, Office of Substance Abuse Services fulfill the responsibilities as stated in Maine law. The Department of Labor reviews and approves substance abuse testing policies and conducts the annual survey of substance abuse testing. Regulation of substance abuse testing has been in effect under Maine law since September 30, 1989.

The Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing; to ensure proper testing procedures; to ensure that an employee with a substance abuse problem receives an opportunity for rehabilitation and treatment; and to eliminate drug use in the workplace.

Summary

Any employer desiring to do substance abuse testing, other than federally regulated testing, must submit a substance abuse testing policy to the Department of Labor, Bureau of Labor Standards. Testing shall not be done until the business has been notified the policy has been approved. Title 26 Section 689 addresses the penalties assessed an employer doing substance abuse testing without an approved testing policy.

During 1998, 57 substance abuse testing policies were reviewed. Of the 57 reviewed, seven were pending from 1997. Thirty-one new policies and five revisions or amendments were approved; 21 policies were denied pending submission of revisions; one policy was pending at year end.

As of December 31, 1998, a total of 164 approved policies were in force.

The Department of Labor surveys all employers with approved policies for this report. The 1998 survey showed that 11,459 job applicants had been tested with 343 (3.0%) confirmed positive tests. There were four (4) employee probable cause* tests with none reported as positive, and 425 employee random or arbitrary tests with 9 (2.1%) positives reported.

*See Appendix 7.

In 1998, 17 laboratories were licensed by the Department of Human Services (DHS) Health and Environmental Testing Laboratory for substance abuse testing.

Any employer with more than 20 full-time employees must have a functioning Employee Assistance Program (EAP) as stated in Title 26 Section 683 Paragraph 1 prior to testing their employees. The EAP must be certified by the Office of Substance Abuse Services and renewed every two years. Twenty-seven EAP's were approved in 1998 bringing the total EAP's to 35 for companies with substance abuse testing policies. Although 35 employers have approved EAP's, 13 of those companies do job applicant testing only. See Appendix 2.

Policy Review and Approval

Department of Labor - Policy Review and Approval

In 1998 the Maine Department of Labor (MDOL) received 51 individual policy submissions (two were resubmitted from the previous year from two employers). MDOL staff completed 57 reviews, including seven holdovers from the previous year. There was one policy pending review as of December 31, 1998. See Table 1.

Table 1

Policies Received and Reviewed Maine, 1998

Policies Pending from 1997	7
Policies Received, 1998	51
Reviews Completed	57
Approved	36
Denied	21
Review Pending	1

Results of Testing

Results are based on a survey of all establishments with a policy approved by the state.

Job Applicant Testing

In both 1997 and 1998, 3.0% of job applicants tested positive. The most common substances of abuse identified were cannabinoids (86.3%), cocaine (5.5%), opiates (5.0%), followed by alcohol (2.6%) and benzodiazepines (0.9%). See Appendix 7 for controlled substances and drug names.

The following table shows the results of applicant testing.

Table 2

Results of Job Applicant Tests Under Approved Policies Maine, 1998

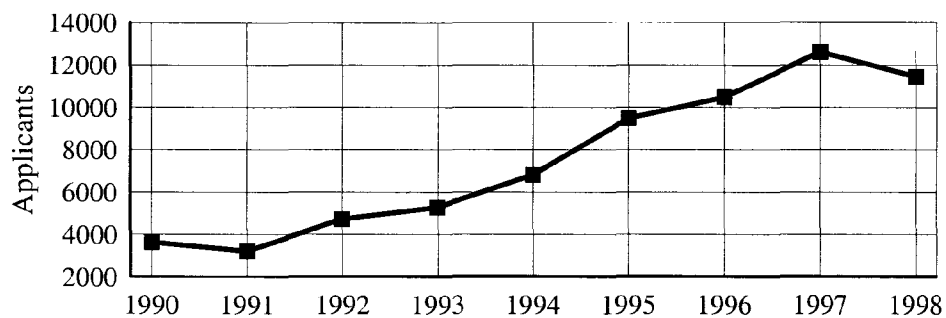
	<u>Tests</u>	<u>As Percent of All Tests</u>	<u>As Percent of Positive Tests</u>
Total Job Applicant Tests	11,459	100.0%	
Positive Results*	343	3.0	100.0%
Cannabinoids	296	2.6	86.3
Cocaine	19	0.2	5.5
Opiates	17	0.1	5.0
Alcohol	9	0.1	2.6
Benzodiazepines	2	-.	0.9
Amphetamines	0	-.	-.
Barbiturates	0	-.	-.
Phencyclidine	0	-.	-.
Unknown	1	-.	-.

* May be less than total of all substances if one or more applicants tested positive for multiple substances.

-. Less than 0.05 percent.

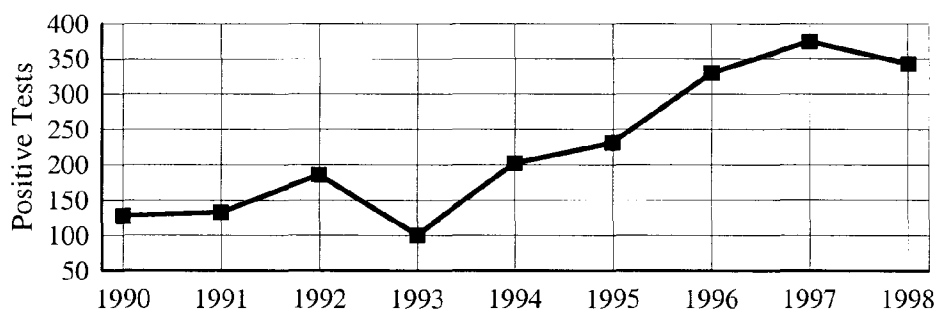
The following graph shows the number of job applicants tested for substance abuse for the years 1990 to 1998.

Figure 1
Job Applicants Tested



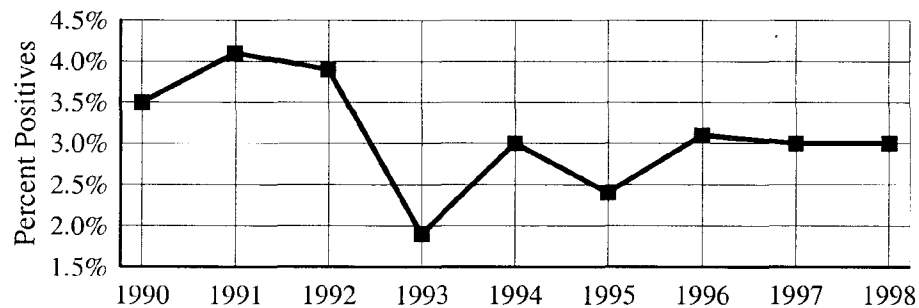
The graph below indicates the number of positive tests for job applicants from 1990 to 1998.

Figure 2
Job Applicant Positive Tests



The following graph shows the percentage of positive tests in relation to the number of tests given as shown in Figure 1, above.

Figure 3
Percent Positives



Employee Testing

Four people were given probable cause tests. None of the four tested positive for any substance. Four-hundred twenty-five of the employee tests fell under the random or arbitrary testing provisions of the law. There were nine (2.1%) confirmed positives, all of which were for cannabinoids.

Analysis of All Results

The Manufacturing Industry had the largest number of employers with substance abuse testing policies. They also had the greatest number of tests at 4,308, with 3.0% testing positive. Construction tested 1,832 people with 5.8% testing positive. The Services Industry (including Financial) tested 3,772 of which 1.4% were positive. Transportation and Public Utilities tested 585 people; 2.6% were positive. See Table 3.

Table 3

Results of All Tests Under Approved Policies, by Industry Maine, 1998

<u>Industry</u>	<u>Number of Policies</u>	<u>Number of Tests</u>	<u>Number of Positives</u>	<u>Percent Positive</u>
All Industries	164	11,888	352	3.0%
Construction	20	1,832	107	5.8
Heavy Construction	8	1,456	90	6.2
Other Construction	12	376	17	4.5
Manufacturing	74	4,308	131	3.0
Food Products	9	924	32	3.5
Wood Products	9	466	29	6.2
Paper Products	21	925	12	1.3
Plastics/Rubber	5	437	13	3.0
Electronic/Electrical Equipment	7	225	6	2.7
Other Manufacturing	23	1,331	39	2.9
Transportation and Public Utilities	10	585	15	2.6
Trade	24	1,040	28	2.7
Wholesale	14	499	19	3.8
Retail	10	541	9	1.6
Services	27	3,772	53	1.4
Healthcare	7	1,844	17	0.9
Professional Services	5	1,701	25	1.5
Other Services	15	227	11	4.9
Other	9	351	18	5.1

Analysis of All Results, continued

There are some variations in the drug panels used by different employers. A drug panel consists of specified drugs that can be tested. All, or nearly all, employers test for cannabinoids, cocaine and amphetamines. Among the job applicants tested, cannabinoids remains the substance with the highest percentage of use, followed by cocaine and opiates. Positive tests for amphetamines decreased from nine in 1997 to zero in 1998. The substance least tested for is alcohol. Only 43 of the 164 policies call for test panels including alcohol. The total positives of all tests given was 3.0%; the highest percentage of positives for an individual substance was 2.6%. See Table 4.

Table 4

Results of All Tests Under Approved Policies, by Specific Substance of Abuse, Maine 1998

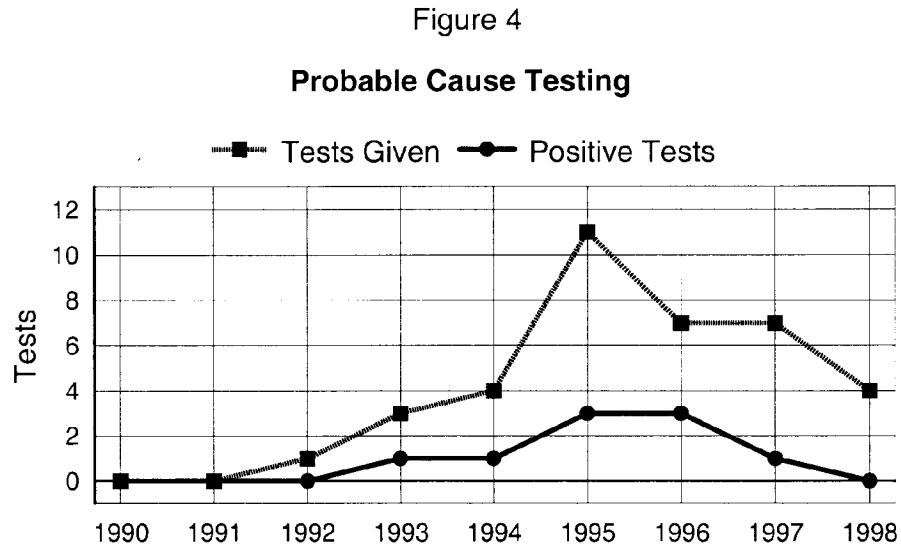
<u>Substance</u>	<u>Employers Testing During Year</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positives*</u>
All Substances	**130	11,888	352	3.0%
Cannabinoids	130	11,888	305	2.6
Alcohol	43	2,796	9	0.3
Cocaine	130	11,888	19	0.2
Opiates	124	11,821	17	0.1
Benzodiazepines	70	7,152	3	-.
Amphetamines	128	11,758	0	-.
Barbiturates	89	8,236	0	-.
Methadone	57	6,403	0	-.
Methaqualone	50	5,563	0	-.
Phencyclidine	124	11,720	0	-.

*Percent of test panel including that substance.

**34 Companies with approved policies did no testing in 1998.

-. Less than 0.05 percent.

The following graph illustrates the number of probable cause tests done and the number of positives for the years 1990 through 1998.



The following graph shows the tendencies for random and arbitrary tests for the years 1990 through 1998.

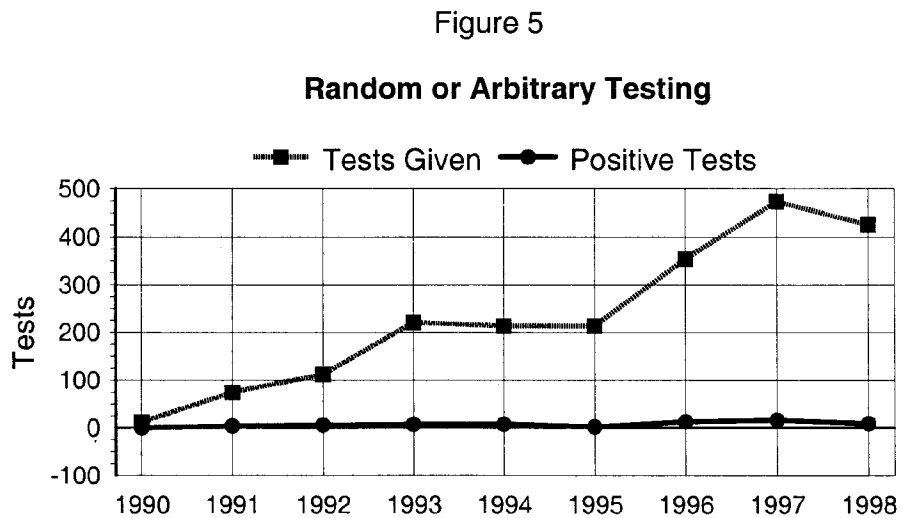


Table 5

**Yearly Totals by Type of Test
Applicants/Employees
1990-1998**

<u>Year</u>	<u>Number of Employers w/ Policies</u>	<u>Total Tests</u>	<u>Total Positives</u>	<u>Percent Positive</u>	<u>Applicant Tests</u>	<u>Applicant Positives</u>	<u>Percent Positive</u>	<u>For Cause Tests</u>	<u>For Cause Positives</u>	<u>Percent Positive</u>	<u>Random Tests</u>	<u>Random Positives</u>	<u>Percent Positive</u>
1998	164	11,888	352	3.0	11,459	343	3.0	4	0	-.	425	9	2.1
1997	147	13,097	392	3.0	12,616	375	3.0	7	1	14.3	474	16	3.4
1996	134	10,854	346	3.2	10,493	330	3.1	7	3	42.9	354	13	3.7
1995	116	9,708	236	2.4	9,484	231	2.4	11	3	27.3	213	2	0.9
1994	112	7,035	211	3.0	6,818	202	3.0	4	1	25.0	213	8	3.8
1993	107	5,502	109	2.0	5,278	101	1.9	3	1	33.3	221	7	3.2
1992	90	4,837	192	4.0	4,724	186	3.9	1	0	0.0	112	6	5.4
1991	75	3,289	137	4.2	3,214	133	4.1	0	0	0.0	75	4	5.3
1990	47	3,643	128	3.5	3,631	128	3.5	0	0	0.0	12	0	0.0

⊕

Table 6

**Positives By Substance
1990 - 1998 (Cumulative)**

	<u>Number of Tests</u>	<u>As % of All Tests</u>	<u>As % of Positives</u>
Total Tests	69,853	100.0	*****
Total Positives*	2,134	3.0	100.0
Cannabinoids	1,708	2.4	80.0
Cocaine	141	0.2	6.6
Opiates	107	0.2	5.0
Alcohol	73	0.1	3.4
Barbiturates	44	0.1	2.1
Benzodiazepines	39	0.1	1.8
Phencyclidines	10	-.	0.5
Other	12	-.	0.6

*Total of positives by substance exceeds total applicants/employee positives because some individuals tested positive for more than one substance.
 -. indicates a value of less than 0.05%

Description of Experiences

Department of Labor, Bureau of Labor Standards

A model job applicant testing policy developed in 1998 has helped employers develop substance abuse policies for their businesses. The model policy has also made it easier for the Wage and Hour Division to review company policies, eliminating backlog. A model probable cause policy is in the process of being developed; this will further enhance the policy writing for companies who desire to do employee testing. See Appendices 5 and 6.

Department of Mental Health, Mental Retardation and Substance Abuse, Office of Substance Abuse Services

The Office of Substance Abuse Services approved 27 employee assistance programs (EAP) for companies with substance abuse testing policies. Employers are responsible for renewing their EAP every two years. Although 35 employers have approved EAP's 13 of those companies do job applicant testing only. See Appendix 2.

Department of Human Services, Health and Environmental Testing Laboratory

There are 17 labs licensed with the State of Maine to do the substance abuse tests for Maine's employers with approved testing policies. All of the labs are located outside of Maine and are certified by the National Laboratory Certification Program of the Substance and Mental Health Services Administration (formerly NIDA). All testing labs licenses that were due for renewal in 1998 were renewed. One lab renewed the license it had let expire in 1997 and two new labs were licensed. See Appendix 3.

Appendix 1

Employers with Approved Policies

The following shows employers with approved policies, the date of initial approval and the type of testing allowed.

Employers doing probable cause, random or arbitrary testing and who have more than 20 employees must have an employee assistance program which has been certified by the Office of Substance Abuse.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Allstate Insurance Co. 74 Batterson Park Rd. P.O. Box 4005 Farmington, CT 06034	04/11/91	X		
Arrow Hart Wiring Devices 1 Cressey Road Brunswick, ME 04011	07/24/90	X		
Astro Waste Services, Inc. P.O. Box 709 Old Orchard Beach, ME 04064-0709	01/05/96	X	X	X
@WORK Personnel Services P.O. Box 96 Brooks, ME 04921	07/02/96	X		
Auburn, City of 45 Spring Street Auburn, ME 04210	06/09/94	X		
Augat Inc. Community Drive Sanford Industrial Estates Sanford, ME 04073	08/01/94	X		
Avian Farms Int'l, Inc. 295 Kennedy Memorial Drive P.O. Box 1847 Waterville, ME 04903	08/01/94	X		
B & E Cleaning Service P.O. Box 244 Kingfield, ME 04947-0244	10/22/96	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
B E & K P.O. Box 358 Jay, ME 04239	06/03/91	X	X	X
B J's Wholesale Club P.O. Box 9601 Natick, MA 01760-9601	06/09/94	X		
Bancroft Contracting 23 Phillips Rd. South Paris, ME 04281	02/01/94	X		
Bangor Area Visiting Nurses 268 State Street P.O. Box 2040 Bangor, ME 04402-2040	12/16/92	X		
Bangor & Aroostook R R RR 2 Box 45 Bangor, ME 04401-9602	06/19/98	X		
Barber Foods P.O. Box 4821 Portland, ME 04112-4821	09/09/97	X		
Bath Iron Works Corp. 700 Washington Street Bath, ME 04530	02/26/90	X		
Bell Atlantic (NYNEX) 185 Franklin Street, Room 1401 Boston, MA 02110	10/05/94	X	X	X
Best Buy P.O. Box 9312 Minneapolis, MN 55440	12/16/98	X		
Black & Veatch 11401 Lamar Overland Park, KS 66211	06/19/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Blake Equipment 61 West Dudley Town Rd. Bloomfield, CT 06002	12/21/98	X	X	
Bridgecorp 319 Water St. P.O. Box 2588 Augusta, ME 04338-2588	08/21/96	X		
Carquest Distribution Center P.O. Box 1239 Bangor, ME 04401	11/24/97	X		
Casella Waste Systems, Inc. 358 Emerson Mill Rd Hampden, ME 04444	12/16/98	X		
Central Maine Power Co. 83 Edison Drive Augusta, ME 04336	10/18/90	X		
Chadwick-BaRoss Inc. 160 Warren Ave. P.O. Box 4500 Westbrook, ME 04098-1594	07/21/93	X		
Champion International Corp. P.O. Box 1200 Bucksport, ME 04416	03/23/90	X		
Champion International Corp. Costigan Stud Mill P.O. Box 159 Costigan, ME 04423-0159	02/14/92	X	X	
Chinet Company 242 College Ave. P.O. Box 1016 Waterville, ME 04903-1016	07/24/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Cianbro Corporation Hunnewell Square Pittsfield, ME 04967	02/27/90	X	X	X
Circuit City Stores, Inc. 9960 Maryland Dr. Richmond, VA 23233-1464	10/31/96	X		
Cives Steel Company Riverside Dr. P.O. Box 850 Augusta, ME 04332-0850	10/18/90	X		
Coca-Cola Bottling Co. of Northern New England, Inc. One Executive Park Drive Bedford, NH 03110-6913	12/29/92	X	X	
Control Devices, Inc. 228 Northeast Rd Standish, ME 04084	04/17/96	X		
CYRO Industries Rt 109 Industrial Park P.O. Box 591 Sanford, ME 04073	07/24/90	X		
D & G Machine Products 50 Eisenhower Drive Westbrook, ME 04092-2009	07/31/91	X		
Dennis Beverage Co. (DBA Dennis Paper Co.) 1017 School Street, Veazie P.O. Box 1452 Bangor, ME 04402-1452	12/04/91	X		
Ducktrap River Fish Farm, Inc. 57 Little River Dr. Belfast, ME 04915	12/28/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Durastone Precast Concrete Products, Inc. 66 Milliken St. Portland, ME 04103	08/23/96	X		X
Eastern Fine Paper, Inc. P.O. Box 129 Brewer, ME 04412	04/23/91	X		
Eastern Maine Health Care 489 State Street P.O. Box 404 Bangor, ME 04402-0404	01/15/91	X		
Eastern Refractories Co. Inc. 60 Holland Street P.O. Box 237 Lewiston, ME 04240	07/22/93	X		
Edwards Systems Technology 5 North Main Street Pittsfield, ME 04967-1500	05/28/91	X		
EFMark 1111 Executive Court, Suite 200 Westmont, IL 60559	10/23/97	X		
Ellsworth Builders Supply, Inc. State Street RR 4 Box 4 Ellsworth, ME 04605	09/25/90	X		
Emery Waterhouse Rand Rd. P.O. Box 659 Portland, ME 04104	01/26/98	X		X
ESB, Inc. Five Star Industrial Park 45 Bradley Westbrook, ME 04092	06/02/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
ESOCO Orrington Inc. P.O. Box 160 Orrington, ME 04474	06/03/92	X		
Fiber Materials, Inc. 5 Morin St. Biddeford Industrial Park Biddeford, ME 04005	06/27/90	X		
Fisher Engineering 12 Water St., P.O. Box 529 Rockland, ME 04841-0529	04/17/96	X	X	
Flatiron Structure Co. P.O. Box 2239 Longmont, CO 80502-2239	04/30/96	X		
FMC Corporation P.O. Box 308 Rockland, ME 04841-0308	03/22/90	X	X	X
Fort James Corp. (formerly James River) P.O. Box 547 Old Town, ME 04468	02/27/90	X		
Fraser Paper Ltd. Madawaska, ME 04756	04/15/94	X		
Fulghum Fibres P.O. Box 15395 Augusta, GA 30919	10/08/97	X		
General Electric Co. 135 Rodman Road Auburn, ME 04210	10/18/90	X		
General Electric Co. 534 Griffin Road Bangor, ME 04401	05/24/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Georgia Pacific Corp. Communication Paper Division 60 Main Street Woodland, ME 04694	07/31/91	X		
Georgia Pacific Corp. Chip N Saw & O S B 60 Main St. Woodland, ME 04694	04/23/91	X	X	
Gibbs & Cox Inc. P.O. Box 1306 Brunswick, ME 04011	08/07/91	X		
G.E. Goding & Son, Inc. RR #1 Box 395 Lincoln, ME 04457	04/20/90	X		
J.E. Goold Division of Bindley Western Industries, Inc. P.O. Box 920 Portland, ME 04104	05/18/93	X		
Gorbell/Thermo Electron Power Co. Rt 150 North, Harmony Rd. P.O. Box 170 Athens, ME 04912-0170	10/05/94	X		
Grant's Dairy 1 Milk St. Bangor, ME 04401	05/20/98	X		
Great Northern Paper Bowater, Inc. 1 Katahdin Avenue Millinocket, ME 04462-1398	12/16/92	X		
Guardsmark, Inc. P.O. Box 45 Memphis, TN 38101-0045	12/05/96	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Hall Security Services Inc. 6 State St., Suite 301 Bangor, ME 04401	07/31/91	X		
Hancock Lumber Co. P.O. Box 299 Casco, ME 04015	04/29/91	X		
Hannaford Brothers Co. P.O. Box 1000 Portland, ME 04104	05/18/93	X	X	X
Healthsouth Corp. One Healthsouth Parkway Birmingham, AL 35243	10/20/97	X		
Home Depot 2455 Paces Ferry Rd. NW Atlanta, GA 30339	11/01/96	X		
Host Marriott Services Corp. 6600 Rockledge Dr Mail Stop #27 Bethesda, MD 20817	01/05/96	X		
Huber, J.M. Corp. Easton Department Wood Products Division Station Road P.O. Box 69 Easton, ME 04740	04/29/91	X	X	
Hussey Seating Co. P.O. Box 459 North Berwick, ME 03906-0459	12/24/90	X		
Indec Operations, Inc. P.O. Box 317 West Enfield, ME 04493	04/24/97	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
International Paper Co. Androscoggin Mill P.O. Box 20 Jay, ME 04239	11/05/90	X	X	
International Paper Co. Northeast Region 9 Green Street Augusta, ME 04330-7443	04/23/91	X		
Irving Tanning Co. 3 Main St. P.O. Box 400 Hartland, ME 04943-0400	12/27/93	X		
Johns Manville 51 Lexington St. Lewiston, ME 04240-3513	05/22/97	X		
Jordan's Foods, Inc. 38 India St. P.O. Box 588 Portland, ME 04112-0588	04/02/97	X		
KCS, Inc. Five Star Industrial Park 45 Bradley Dr. Westbrook ME 04092	06/02/98	X		
Kennebec Health Systems 5 St. Catherine Street Augusta, ME 04330	04/30/93	X		
Kravco Company Bangor Mall Boulevard Bangor, ME 04401	04/13/95	X		
Lane Construction Corp. P.O. Box 940 358 Broadway, Suite 105 Bangor, ME 04401	12/16/92	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Lane Construction Corp. Sunquip Division P.O. Box 940 358 Broadway, Suite 105 Bangor, ME 04401	12/16/92	X		
Lane Construction Corp. Sunrise Materials Division P.O. Box 940 358 Broadway, Suite 105 Bangor, ME 04401	12/16/92	X		
Lemforder Corp. 55 Baker Blvd. P.O. Box 219 Brewer, ME 04412	12/03/91	X		
Lincoln Life Ins. Co. P.O. Box 9740 Portland, ME 04104-5001	08/01/97	X		
Lincoln Pulp & Paper Co. 50 Katahdin Avenue Lincoln, ME 04457	07/24/90	X		
Louisiana-Pacific Corp. P.O. Box 396 Houlton, ME 04730	05/20/98	X	X	X
Lucas Tree Experts P.O. Box 958 Portland, ME 04104	04/29/91	X		
Madison Paper Industries Main St. P.O. Box 129 Madison, ME 04950-0129	04/19/90	X		
Maine Poly Inc. P.O. Box 8 Greene, ME 04236	02/26/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Maine Public Service Co. P.O. Box 1209 Presque Isle, ME 04769-1209	06/13/90	X		
Maine Rubber International 21 Saco Street Westbrook, ME 04092	05/15/90	X		
Mainely Vinyl, Inc. P.O. Box 1020 Ellsworth, ME 04605	09-21-98	X		
Malden Mills Industries Bridgton Knitting Mills Route 302 Bridgton, ME 04009-9556	06/03/92	X		
Marriott International, Inc. Marriott Headquarters Dept. 931.32 Marriott Dr. Washington, DC 20058	10/17/95	X		
Masonite Corp. (formerly Wood Fiber Industries) P.O. Box 99 Lisbon Falls, ME 04252-0099	06/09/94	X		
MBNA Marketing Systems 32 Washington Street Camden, ME 04843	06/30/93	X		
McCain Foods Inc. P.O. Box 159 Easton, ME 04740-0159	02/24/92	X		
Mead Paper Div. 35 Hartford St. Rumford, ME 04276	03/19/90	X	X	X
The Merrill Companies 601 A Danforth St. Portland, ME 04102-3903	12/16/92	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Mid-State Machine Products 1501 Verti Drive Winslow, ME 04901	05/15/90	X	X	X
Mount Hope Cemetery Corp. P.O. Box 63 Bangor, ME 04402-0063	04/13/95	X		
Newark Paperboard Products Mercer Division So. Gardiner Facility River Rd. So. Gardiner, ME 04345	08/15/97	X		
Nichols - Portland 2400 Congress St. Portland, ME 04102	12/22/98	X		
Nissen Baking Co. 59 Washington Ave. P.O. Box 1158 Portland, ME 04104-1158	01/03/92	X		
Norrell Corp. 3535 Piedmont Rd., N.E. Atlanta, GA 30305	12/16/98	X		
North Center Foodservice Corp. Dalton Road, P.O. Box 2628 Augusta, ME 04330-2628	09/19/90	X		
Northeast Air 987 Westbrook Street Portland, ME 04102	09/30/91	X		
Northeast Industrial Service P.O. Box 340 Winthrop, ME 04364	12/16/98	X		
Oakhurst Dairy 364 Forest Avenue Portland, ME 04101	02/28/90	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Olsten Staffing Services 195 Hanover St, Portsmouth, NH 03801-3749	08/12/97	X		
OSRAM Sylvania Inc. (Formerly GTE Products) 100 Endicott Street Danvers, MA 01923	02/06/91	X		
Penobscot County Sheriff's 85 Hammond St. Bangor, ME 04401	08/11/98	X		
Philip Services (formerly Allwaste) 31 Waldron Way Portland, ME 04103	11/16/98	X		
Philips Elmet 1560 Lisbon Rd. Lewiston, ME 04240	10/04/90	X		
Pioneer Plastics Corp. One Pionite Road P.O. Box 1014 Auburn, ME 04210-1014	09/19/90	X		
Pizzagalli Const. Co. 50 Joy Drive P.O. Box 2009 So. Burlington, VT 05407-2009	05/26/98	X		
Pleasants Hardware Co. HCI/Craftsmen 1010 Northwest Blvd. P.O. Box 5258 Winston-Salem, NC 27113-5258	10/20/97	X		
Plum Creek Timber 999 Third Ave., Suite 2300 Seattle, WA 98104	10/15/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Pollack, G.M. Corp. 600 Roundwood Drive Scarborough, ME 04074	08/25/92	X		
Pratt & Whitney Wells Road North Berwick, ME 03906	06/22/90	X	X	
Progressive Distributors P.O. Box 295 Winthrop, ME 04364	05/18/93	X		
Rainbow Rugs Inc. 74 Old Airport Rd. Sanford, ME 04073	11/21/90	X		
Redco, Inc. Rte. 9 P.O. Box 245 E. Eddington, ME 04428	10/06/98	X		
Reed & Reed P.O. Box 370 Woolwich, ME 04579	06/25/92	X		
Riley Medical Inc. 27 Wright's Landing L-A Airpark Auburn, ME 04210	08/17/93	X		
R T S Packaging, LLC (formerly Rock-Tenn Co.) 16 Washington Avenue Scarborough, ME 04074	05/28/91	X	X	X
Saco Defense Inc. 291 North Street Saco, ME 04072	02/28/90	X	X	X

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Sargent, H.E., Inc. 101 Bennoch Rd. P.O. Box 435 Stillwater, ME 04489-0435	04/17/96	X		
Sawyer Environmental Recovery Facilities Inc. 358 Emerson Mill Road Hampden, ME 04444	04/03/90	X		
Sawyer Environmental Services 358 Emerson Mill Rd Hampden, ME 04444	04/03/91	X		
Seaward Const. Corp. P.O. Box 1177 Portsmouth, NH 03802-1177	07/31/91	X		
Seltzer & Rydholm Inc. P.O. Box 1090 Auburn, ME 04211-1090	12/29/92	X		
Sisters of Charity Health System/Workmed Campus Ave. P.O. Box 7291 Lewiston, ME 04243-7291	07/19/95	X		
Skowhegan, Town of Skowhegan, ME 04976	08/28/98	X		
Solon Mfg. Co. Solon, ME 04979-0285	07/19/95	X		
Sonoco Products Baker Division P.O. Box 668 Hartselle, AL 35640	01/03/92	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Sonoco Products Co. Pittsfield Plant 50 DesSeigneurs Montreal Quebec, Canada H3J1X3	07/31/91	X		
Southern Container Corp. P.O. Box 9001 Westbrook, ME 04098-9001	02/23/96	X		
Specialty Minerals, Inc. 35 Highland Ave. Bethlehem, PA 18017	06/06/96	X	X	
Sprague Energy Corp. One Parade Mall Portsmouth, NH 03801	08/16/94	X		
St. Paul Companies (formerly United States Fidelity and Guaranty Co.) 385 Washington St. St. Paul, MN 55102	07/24/90	X		
Standard Waterproofing Neck Rd., P.O. Box 380 China, ME 04926	04/13/98	X		
Sullivan and Merritt, Inc. 25 Freedom Park Bangor, ME 04401	05/18/93	X		
Supervalu, Inc. 56 Milliken St. P.O. Box 1941 Portland, ME 04104	03/02/98	X		
S.W. & B. Construction P.O. Box 160888 Mobile, AL 36616-1888	04/29/91	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Tree Free Fiber (formerly Statler Tissue) P.O. Box 587 Augusta, ME 04330-0587	05/30/96	X		
Unifirst Corporation 68 Jonspin Road Wilmington, MA 01887-1086	05/20/93	X		
Valmet Automation Inc. 3100 Medlock Bridge Road Suite 250 Norcross, GA 30071	04/30/93	X		
Vescom Corporation Aspen Ridge, Suite A 11 Liberty Drive Bangor, ME 04401	05/18/93	X		
Wal-Mart Stores 702 S.W. 8th St. Bentonville, AR 72712-8083	03/31/98	X		
Warren, S.D. - Somerset RFD #3 Skowhegan, ME 04976	05/28/91	X		
Waterville Anesthesia Associates 44 Main Street Waterville, ME 04901	04/30/93	X	X	X
Watts Fluid Air Cutts Rd. Kittery, ME 03904-0902	06/23/97	X		
Webber Oil Co. 700 Main St., P.O. Box 929 Bangor, ME 04402-0929	04/17/96	X		
WestPoint Stevens P.O. Drawer 587 Biddeford, ME 04005	12/22/98	X		

Appendix 1

Employers with Approved Policies, continued.

Company Name	Date Approved	Applicant Testing	Probable Cause	Random or Arbitrary
Wheelabrator Sherman Energy Co. Mill St. & Rt. 11 P.O. Box 189 Sherman Station, ME 04777	08/09/91	X	X	
White, Paul G. Tile Co. 50 Allen Avenue Portland, ME 04103	07/21/93	X		
Wood Structures, Inc. Alfred Road Business Park Box 347 Biddeford, ME 04005	03/25/91	X		
Wyman & Simpson Inc. RR #1, Box 1122B County Rd. Richmond, ME 04357	05/18/93	X		
Xpedx (formerly Resource Net International) 613 Main St. Wilmington, MA 01887-3236	07/21/93	X		
Yorktowne Paper Mill of Maine Inc. 721 Water Street Gardiner, ME 04345	04/25/90	X		
Zampell Refractories 354 Lincoln Street Lewiston, ME 04240	12/30/93	X	X	X

Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 1998.

Company Name	Location
Astro Waste Service	Old Orchard Beach, ME
B E & K	Jay, ME
Bath Iron Works, Corp.	Bath, ME
Bell Atlantic	Statewide
Black & Veatch	Jay, ME
Blake Equipment CO.	Augusta, Bangor, & Gorham, ME
Carquest	Bangor, ME
Chinet Co.	Waterville, ME
Cianbro Inc.	Pittsfield, ME
Cives Steel Co.	Augusta, ME
Coca-Cola Bottling Co. of New England	Portland, ME
Durastone Precast Concrete Products Inc.	Portland, ME
Emery Waterhouse Co.	Portland, ME
Fisher Engineering	Rockland, ME
FMC Corporation, Marine Colloids Div.	Rockland, ME
Georgia Pacific Corp.	Woodland, ME
Great Northern Paper Co.	Millinocket, ME
Hannaford Bros. Co.	Portland, ME
Huber, J.M. Corp.	Easton, ME
International Paper Co.	Jay, ME
Louisiana-Pacific Corp.	Houlton, ME
MBNA	Camden, ME
McCain Foods, Inc.	Easton, ME
Mead Paper Div.	Rumford, ME
Mid-State Machine Products, Inc.	Winslow, ME
Philip Services Corp.	Portland, ME
Pleasants Hardware/HCI Craftsmen	So. Portland & Bangor, ME

Appendix 2

Employers with Substance Abuse Testing Policies and Approved Employee Assistance Programs as of the end of 1998, continued.

Company Name	Location
Pratt & Whitney	North Berwick, ME
RTS Packaging, LLC	Scarborough, ME
Saco Defense, Inc.	Saco, ME
Specialty Minerals, Inc.	Jay & Madison, ME
SW & B Construction Corp.	Auburn, ME
Warren, S.D.	Skowhegan, ME
Wheelabrator Inc.	Sherman Station, ME
Zampell Refractories, Inc.	Lewiston, ME

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 1998

The following laboratories, none in Maine, were licensed as of the end of 1998 to perform the tests for companies with substance abuse testing policies that have been approved by the Maine Department of Labor.

Laboratory Name	Address	Date Expires
American Medical Laboratories, Inc.	1425 Newbrook Drive P.O. Box 10841 Chantilly, VA 22021-0841	12/06/99
Associated Pathologists	4230 Burnham Ave., Suite 250 Las Vegas, NV	08/20/99
DrugScan Inc.	1119 Mearns Road Warminster, PA 18974	07/10/99
Lab One Inc.	8915 Lenexa Drive Overland Pk., KS 66214	07/27/99
Laboratory Corporation of America (formerly CompuChem)	P.O. Box 12652 1904 Alexander Dr. Research Triangle Park, N.C. 27709	01/10/99
Laboratory Corporation of America d/b/a Med Express	4022 Willow Lake Blvd. Memphis, TN 38118	07/18/99
Laboratory Corporation of America Holdings	69 First Ave. Raritan, NJ 08869	03/12/99
Laboratory Specialists, Inc.	1111 Newton St. Gretna, LA 70053	05/08/99
Medtox Laboratories, Inc.	402 West County Road D. Saint Paul, MN 55112	03/01/99
PharmChem Laboratories, Inc.	1505 A O'Brien Drive Menlo Park, CA 94025	06/14/99
Pharmchem Laboratories - Texas Division	7606 Pebble Drive Fort Worth, TX 76118	10/15/99

Appendix 3

Laboratories Approved to do Substance Abuse Testing, 1998, continued.

Laboratory Name	Address	Date Expires
Quest Diagnostics	7470-A Mission Valley Rd. San Diego, CA 92108	07/02/99
Quest Diagnostics	1901 Sulphur Spring Rd Baltimore, MD 21227	03/19/99
Quest Diagnostics (formerly MetPath, Inc.)	One Malcolm Ave. Teterboro, NJ 07608	05/04/99
SmithKline Beecham Clinical Laboratories	3175 Presidential Drive Atlanta, GA 03040	03/12/99
SmithKline Beecham Clinical Laboratories	506 E. State Parkway Schaumburg, IL 60173	08/05/99
SmithKline Beecham Clinical Laboratories	400 Egypt Rd. Norristown, PA 19403	06/24/99

Appendix 4

INSTRUCTIONS

These instructions are to assist you in submitting the paperwork for your Substance Abuse Testing Policy approval.

- ✓ You must submit two (2) copies of your policy and accompanying forms/certificates.
- ✓ You must have a signed cover letter attached stating that the policy complies with all applicable statutes and regulations.
- ✓ Copies of any forms used should be attached, as well as a copy of the Department of Human Services certification of an Employee Assistance Program if the policy is for employee testing.
- ✓ If this is an employee policy, you must provide a description of the method used to consult the employees as to the development of the policy to include substance and impact of the consultation.
- ✓ If this is an employee policy, you must also describe the method used to notify the employees of the submission of the plan to the Maine Department of Labor (MDOL), to include the manner in which and time limit that the employees have to comment on the policy to MDOL, and you must also provide the employees with the MDOL address.
- ✓ It is important that the policy be written in such a manner that it is likely to be understood by a large majority of the employees.

If you follow these instructions and the Model Policy, the review and approval of your policy will be expedited.

Appendix 5

Model Substance Abuse Policy Job Applicants

A. Covered Establishment:

Company name: [Provide name, address, etc. of employer]

Street address:

Mailing address:

Phone:

Contact regarding substance abuse testing policy:

[Name & Title of Contact]

[Phone Number of Contact]

Location(s) Covered: [List Location(s) Covered]

This policy complies with the Maine Substance Abuse Testing Law (26 M.R.S.A. Sec. 681-690) and the Maine Department of Labor Rules relating to Substance Abuse Testing (adopted October 27, 1989).

Applicants will be notified at the time of initial application that they may be tested for Substance Abuse and will be advised where they may review the policy and statute.

Prior to testing, an applicant as defined in this policy shall be provided with a copy of the policy and statute.

B. Scope of Testing:

Only individuals who are "applicants" as defined by this program and state law will be tested as "applicants". For the purpose of this program, an "applicant" will not be any person separated from employment by this employer while receiving a mandated benefit from or on account of this employer, including but not limited to Workers' Compensation, Unemployment Compensation and Family Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an "applicant" be any person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

1. Substances to be tested for:

- a. test procedure to be used and cut off limit for positive screening test.

- (1) Screening will be the Emit (Enzyme Multiplied Immunoassay Test) methodology

(2) Substances	Screening Concentration Cut Off (In Urine)
Alcohol	0.02 G/100 ML
Amphetamine/Methamphetamine	300 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	300 NG/ML
Cannabinoids	100 NG/ML
Cocaine and/or Metabolites	300 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML

- b. test procedure to be used and cut off limit for positive confirmation test.

- (1) Confirmation test will be by GC/MS (Gas Chromatography Spectrometry) methodology

(2) Substances	Confirmation Concentration Cut Off (In Urine)
Alcohol	0.02 G/100ML
Amphetamine/Methamphetamine	300 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	200 NG/ML
Cannabinoids	20 NG/ML
Cocaine and/or Metabolites	150 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML

Model Substance Abuse Policy Job Applicants, continued

2. Testing of Applicants:

Classifications or position titles to be tested:

[List classifications or positions to be tested (may be "All")]

Substance abuse tests will be administered only to those applicants who are in the above classification or position titles who (1) have been offered employment with the Company or who have been offered a position by the Company on a roster of eligibility from which applicants shall be selected for employment.

C. ACTIONS TO BE TAKEN:

Action to be taken for refusal to submit to a test: Applicant will not be hired

Action to be taken between a test and receipt of test results: Applicant will not be hired

Action to be taken based on a confirmed positive result from a test of an applicant: Applicant will not be hired

D. TESTING PROCEDURES:

1. *Identify sample collection facility or facilities*

[List name and address of sample collection facility or facilities]

2. Method of sample collection:

a. Procedure to segregate a portion of the sample at applicant's request:

At the request of the applicant, at the time the test sample is taken, a portion of the sample collected, sealed, and labeled according to State regulations and these procedures, will be segregated for that person's own testing. This sample will be stored by the laboratory and chain of custody shall be maintained as provided in this policy. Within 5 days after notice of the test result is given to the applicant, the applicant shall notify the employer and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Human Services. The employer's laboratory shall promptly send the segregated portion of the specimen

Model Substance Abuse Policy Job Applicants, continued

to the selected laboratory, subject to the same chain of custody and security requirements as observed for the employer's specimen.

The applicant will be required to pay for the segregation of a second sample as well as the expense of said additional testing only if and when the applicant notifies the employer that the applicant actually wishes the test to be made and the applicant notifies the employer of the choice of laboratory to which the second sample is to be sent.

b. Procedure to collect:

The employer will not require an applicant to remove any clothing for the purpose of collecting a urine sample, except that the employer will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area.

No applicant may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

Each urine specimen will be assessed by the person in charge of collection, in the presence of the applicant by measuring:

- A. The temperature of the specimen within three (3) minutes of voiding - must be between 97-99 degrees F. (unless the applicant's temperature is higher than 99 degrees or lower than 97 degrees F.)
- B. The pH of the specimen - must be between 5-8.

and by evaluating the odor and color of the specimen for other signs of contamination.

If the specimen does not meet any of these assessment standards, the specimen will be rejected and the applicant will be given an opportunity to provide a second specimen.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

The applicant will remain under observation at the medical facility and may be given liquids until the second specimen is provided. If the second specimen fails to meet any assessment standard, the employer may deny employment to the applicant and neither specimen will be tested for substances of abuse.

3. Storage of Sample:

a. At collection point:

Samples will be collected in new, clean containers manufactured for the purpose of urine collection. Immediately after assessment, the container will be sealed with tamperproof tape and labeled in the presence of the applicant. The seal will cover the cap and extend over the sides of the container. The label will contain the date and time of collection, and the identifying number of the applicant. All information on the label will be written clearly and with indelible ink.

Samples will be transported or shipped promptly to the testing laboratory in a secure fashion, so as to prevent tampering. If shipment or transport is not feasible, the specimen will be secured, held at room temperature and shipped the next business day.

b. At laboratory:

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 C or less) for at least 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

4. Chain of Custody:

a. Labeling and Packaging:

Immediately upon collection of each sample, a chain of custody record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the sample.

Model Substance Abuse Policy Job Applicants, continued

b. Transport:

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering.

Each person who takes custody of the sample in the course of transport will record on the chain of custody log the date, time, transporter's name and employer's name, origin and destination of the sample.

c. At Lab:

When a sample arrives at the lab, the person receiving the sample shall record the time of receipt and the location of each sample in the lab's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name and the purpose for removal or opening of the sample.

5. Identify testing laboratory:

NAME: [Name and address of testing laboratory or laboratories]
ADDRESS:

6. Procedure for notifying applicant of the result:

The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs.

All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the *[title of employer representative to receive report]* as accurate. The report will identify the name of the laboratory, the drugs and metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.

- A. Unless agreed upon by the applicant, no report will show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.

Appendix 5

Model Substance Abuse Policy Job Applicants, continued

- B. No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results will be randomly delayed from 2 to 5 days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the employer at a single rate per sample tested (which may be periodically adjusted by the laboratory).
- C. No substance may be reported as present if the employer did not request analysis for that substance.
- D. Reports of samples segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant and to the employer.

Unless the applicant consents, all test results and any information acquired by the employer in the testing process is confidential and may not be released to anyone except the applicant tested. This requirement applies to the personnel of all laboratories involved and to the employer. However, this does not prevent the disclosure of results or information if:

- 1. Release of information is required or permitted by state and federal law including release under 26 M.R.S.A. Sec. 683 (8) (D), or
- 2. The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

The results of any test may not be required, requested or suggested by the employer to be used in any criminal proceeding as provided by 26 M.R.S.A. Sec. 685 (3) (B).

- E. The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

Model Substance Abuse Policy Job Applicants, continued

7. Procedure for an applicant to appeal and contest the accuracy of a confirmed positive result:

If the applicant chose to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. To appeal the results of a confirmed positive result in lieu of testing the segregated sample, the applicant must fill out and sign the attached "Substance Abuse Test Appeal" form submitting information explaining or contesting the results, within five (5) working days after notice of a confirmed positive test result. The appeal process will be conducted without cost to the applicant. The applicant will then be scheduled to meet within 14 days with *[list title(s) of person(s) who will review the appeal]*. The applicant will explain the basis for the appeal and may be asked questions. After the meeting concludes, a written report of findings and conclusions will be prepared and a copy sent to the applicant.

Appendix 6

Model Substance Abuse Policy Job Applicants with Medical Review Officer (MRO)

A. Covered Establishment:

Company name: [Provide name, address, etc. of employer]

Street address:

Mailing address:

Phone:

Contact regarding substance abuse testing policy:

[Name & Title of Contact]

[Phone Number of Contact]

Location(s) Covered: [List Location(s) Covered]

This policy complies with the Maine Substance Abuse Testing Law (26 M.R.S.A. Sec. 681-690) and the Maine Department of Labor Rules relating to Substance Abuse Testing (adopted October 27, 1989).

Applicants will be notified at the time of initial application that they may be tested for Substance Abuse and will be advised where they may review the policy and statute.

Prior to testing, an applicant as defined in this policy shall be provided with a copy of the policy and statute.

B. Scope of Testing:

Only individuals who are "applicants" as defined by this program and state law will be tested as "applicants". For the purpose of this program, an "applicant" will not be any person separated from employment by this employer while receiving a mandated benefit from or on account of this employer, including but not limited to Workers' Compensation, Unemployment Compensation and Family Medical Leave and for a period of 30 days beyond the termination of the benefit, nor will an "applicant" be any person separated from employment by this employer while receiving a non-mandated benefit from or on account of this employer for a period of 30 days beyond the separation.

Appendix 6

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

1. Substances to be tested for:

- a. test procedure to be used and cut off limit for positive screening test.

- (1) Screening will be the Emit (Enzyme Multiplied Immunoassay Test) methodology

(2) Substances	Screening Concentration <u>Cut Off (In Urine)</u>
Alcohol	0.02 G/100 ML
Amphetamine/Methamphetamine	300 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	300 NG/ML
Cannabinoids	100 NG/ML
Cocaine and/or Metabolites	300 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML

- b. test procedure to be used and cut off limit for positive confirmation test.

- (1) Confirmation test will be by GC/MS (Gas Chromatography Spectrometry) methodology

(2) Substances	Confirmation Concentration <u>Cut Off (In Urine)</u>
Alcohol	0.02 G/100ML
Amphetamine/Methamphetamine	300 NG/ML
Barbiturates	300 NG/ML
Benzodiazepines	200 NG/ML
Cannabinoids	20 NG/ML
Cocaine and/or Metabolites	150 NG/ML
Methadone	300 NG/ML
Methaqualone	300 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

2. Testing of Applicants:

Classifications or position titles to be tested:

[List classifications or positions to be tested (may be "All")]

Substance abuse tests will be administered only to those applicants who are in the above classification or position titles who (1) have been offered employment with the Company or who have been offered a position by the Company on a roster of eligibility from which applicants shall be selected for employment.

C. Actions To Be Taken:

Action to be taken for refusal to submit to a test: Applicant will not be hired

Action to be taken between a test and receipt of test results: Applicant will not be hired

Action to be taken based on a confirmed positive result from a test of an applicant: Applicant will not be hired

D. Testing Procedures:

1. Identify sample collection facility or facilities

[List name and address of sample collection facility or facilities]

2. Method of sample collection:

a. Procedure to segregate a portion of the sample at applicant's request:

At the request of the applicant, at the time the test sample is taken, a portion of the sample collected, sealed, and labeled according to State regulations and these procedures, will be segregated for that person's own testing. This sample will be stored by the laboratory and chain of custody shall be maintained as provided in this policy. Within 5 days after notice of the test result is given to the applicant, the applicant shall notify the employer and the facility of the testing laboratory selected for that person's own testing. The laboratory so selected must be licensed by the Maine Department of Human Services. The employer's laboratory shall promptly send the segregated portion of the specimen to the selected laboratory, subject to the same chain of

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

custody and security requirements as observed for the employer's specimen.

The applicant will be required to pay for the segregation of a second sample as well as the expense of said additional testing only if and when the applicant notifies the employer that the applicant actually wishes the test to be made and the applicant notifies the employer of the choice of laboratory to which the second sample is to be sent.

b. Procedure to collect:

The employer will not require an applicant to remove any clothing for the purpose of collecting a urine sample, except that the employer will require that an applicant leave any personal belongings other than clothing and any unnecessary coat, jacket or similar outer garments outside the collection area.

No applicant may be required to provide a urine sample while being observed, directly or indirectly, by another individual.

Each urine specimen will be assessed by the person in charge of collection, in the presence of the applicant by measuring:

- A. The temperature of the specimen within three (3) minutes of voiding - must be between 97-99 degrees F. (unless the applicant's temperature is higher than 99 degrees or lower than 97 degrees F.)
- B. The pH of the specimen - must be between 5-8.

and by evaluating the odor and color of the specimen for other signs of contamination.

If the specimen does not meet any of these assessment standards, the specimen will be rejected and the applicant will be given an opportunity to provide a second specimen.

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

The applicant will remain under observation at the medical facility and may be given liquids until the second specimen is provided. If the second specimen fails to meet any assessment standard, the employer may deny employment to the applicant and neither specimen will be tested for substances of abuse.

3. Storage of Sample:

a. At collection point:

Samples will be collected in new, clean containers manufactured for the purpose of urine collection. Immediately after assessment, the container will be sealed with tamperproof tape and labeled in the presence of the applicant. The seal will cover the cap and extend over the sides of the container. The label will contain the date and time of collection, and the identifying number of the applicant. All information on the label will be written clearly and with indelible ink.

Samples will be transported or shipped promptly to the testing laboratory in a secure fashion, so as to prevent tampering. If shipment or transport is not feasible, the specimen will be secured, held at room temperature and shipped the next business day.

b. At laboratory:

All positive specimens will be retained by the laboratory in the original containers in secure storage at freezing temperatures (-20 C or less) for at least 6 months. Should legal challenge occur, the specimen will be retained throughout the period of resolution of the challenge.

4. Chain of Custody:

a. Labeling and Packaging:

Immediately upon collection of each sample, a chain of custody record will be established for that sample, indicating the identity of each person having control over the sample, and the times and dates of all transfers or other actions pertaining to the sample.

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

b. Transport:

Samples will be picked up from the facility within 24 hours of collecting the sample and will be transported in a secure fashion, so as to avoid tampering.

Each person who takes custody of the sample in the course of transport will record on the chain of custody log the date, time, transporter's name and employer's name, origin and destination of the sample.

c. At Lab:

When a sample arrives at the lab, the person receiving the sample shall record the time of receipt and the location of each sample in the lab's storage system. Any technician or other person who removes the sample from storage or opens the sample shall record the date, time, their name and the purpose for removal or opening of the sample.

5. Identify testing laboratory:

NAME: [Name and address of testing laboratory or laboratories]
ADDRESS:

6. Procedure for notifying applicant of the result:

The applicant will be notified by personal telephone call and confirmed by mail unless the applicant otherwise instructs.

All laboratory reports, including the screening, confirmation and quality control data shall be reviewed by the *[the medical review officer]* as accurate. The report will identify the name of the laboratory, the drugs and metabolites tested for, whether the test results were negative or confirmed positive, and the cutoff levels for each substance. The report will include any available information concerning the margin of accuracy and precision of the test methods employed.

A. Unless agreed upon by the applicant, no report will show the quantity of substance detected, but only the presence or absence of that substance relative to the cutoff level.

Appendix 6

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

- B. No report will show that a substance was detected in a screening test, unless the presence of the substance was confirmed in the confirmatory test. Test results will be randomly delayed from 2 to 5 days so that the employer cannot gauge screening test results from the time results are reported. In addition, all testing will be billed to the employer at a single rate per sample tested (which may be periodically adjusted by the laboratory).
- C. No substance may be reported as present if the employer did not request analysis for that substance.
- D. Reports of samples segregated at the applicant's request, for testing by the applicant's choice of laboratory, will be provided to the applicant, the employer and the medical review officer.

Unless the applicant consents, all test results and any information acquired by the employer and the medical review officer in the testing process is confidential and may not be released to anyone except the applicant tested. This requirement applies to the personnel of all laboratories involved, to the medical review officer and to the employer. However, this does not prevent the disclosure of results or information if:

- 1. Release of information is required or permitted by state and federal law including release under 26 M.R.S.A. Sec. 683 (8) (D), or
- 2. The use of this information is part of any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

The results of any test may not be required, requested or suggested by the employer to be used in any criminal proceeding as provided by 26 M.R.S.A. Sec. 685 (3) (B).

- E. The laboratory shall retain records of confirmed positive results in a numerical or quantitative form for at least two years.

Model Substance Abuse Policy Job Applicants with Medical Review Officer, continued

- F. All laboratory reports on substance abuse testing will be submitted directly to the Employer's Medical Review Officer ("MRO") and shall not be submitted to the employer. The MRO for *[Name of employer]* will be *[Name and address MRO]*. The MRO will report to *[Name of employer]* all negative laboratory reports as negative. When the MRO receives a confirmed positive laboratory report, the MRO will review any available information submitted by the applicant to evaluate whether there is a medical basis for an applicant's drug usage which could have led to a confirmed positive laboratory report. The MRO shall contact the applicant and, upon the applicant's authorization, may contact the applicant's physician to obtain verified information upon the applicant's legitimate drug usage. If, in the opinion of the MRO, there is a legitimate authorized medical explanation for a confirmed positive result from the specimen obtained, the MRO will report a negative test result to the employer.

The purpose of the MRO is to serve as a no-cost appeal of the result and to provide further medical advice concerning confirmed positive laboratory reports which may result from legitimate and prescribed drug usage. The MRO process has the additional benefit of protecting applicant confidentiality in the case of confirmed positive laboratory results which, in the judgment of the MRO, are ultimately reported as negative results to the employer.

7. Procedure for an applicant to appeal and contest the accuracy of a confirmed positive result:

If the applicant chose to segregate a portion of their sample and elects to submit that sample to a laboratory of their choice, the results of the second test will be controlling. The MRO process will serve as the appeal if the applicant has not chosen to segregate their sample or chose not to pay for testing of the segregated sample.

Appendix 7

Controlled Substances, Drug Names, and Definitions

Controlled Substances and Drug Names:*

Cannabinoids:

- Hashish
- Marijuana
- Tetrahydrocannabinol

Depressants:

- Barbiturates
- Benzodiazepines
- Glutethimide
- Methaqualone

Hallucinogens:

- Amphetamine Variants
- LSD
- Mescaline and Peyote
- Phencyclidine
- Phencyclidine Analogs

Narcotics:

- Codeine
- Heroin
- Hydromorphone
- Meperidine (Pethidine)
- Methadone
- Morphine
- Opium

Stimulants:

- Amphetamines
- Cocaine
- Methylphenidate
- Phenmetrazine

*This list is of the most common drug names; it is not meant to be all inclusive.

Definitions:

Probable Cause - means reasonable grounds exist to believe that an employee may be under the influence of a substance of abuse.

Random or Arbitrary - a method of selecting people to be tested where all potential testees have an equal chance of selection by chance or where testing is based on criteria unrelated to substance abuse such as a date of hire anniversary.